

Lancaster Police Department

Effective Date

Number

1.14

Subject

Electronic Control Weapons (ECWs)

Policy

The Lancaster Police Department shall ensure proper guidance and direction on the use of Electronic Control Weapons (ECWs).

Department members shall use, and are authorized to use, only that force which is *objectively reasonable* to:

- Effect an arrest;
- Restrain or subdue an individual resisting a lawful seizure; or
- Protect themselves or others from physical harm.

ECWs may be used by authorized and trained Department members in accordance with this policy and other established Policy and Procedures. Department members shall use reasonable force to control individuals who are violent, exhibiting threatening or potentially violent behavior, or physically resisting arrest or detention.

Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.

If deployed, ECW cycles shall be limited to the minimum number of deployments necessary and should last no longer than necessary to bring an individual under control.

Definitions

Electronic Control Weapon (ECW): A weapon that uses electricity to override voluntary motor responses or applies pain in order to gain compliance or overcome resistance. ECWs are designed to incapacitate without causing serious physical injury or death.

ECW Activation: Any time an ECW is turned on, exclusive of training and routine maintenance/readiness checks.

Laser Activation: The ECW is turned on, activating the light and/or laser beam. Laser activation may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.

Spark Display: The ECW is activated and the arc switch is depressed, activating the electrical arc. Spark display may be utilized as a warning technique if drive stun deployment and/or probe deployment is objectively reasonable.

Drive Stun Deployment: In Drive Stun mode, the ECW is a pain-compliance facilitator rather than an electro-muscular disruptor. Drive stun occurs when the ECW is held against the subject, whether or not probes are deployed. Drive stun may be utilized in response to active resistance or assaultive behavior.

Probe Deployment: In Probe Deployment mode, the ECW uses electricity to override voluntary motor responses. Probe Deployment occurs when probes deploy from an ECW, whether or not the probes strike their intended target. This includes follow-up drive stuns when a single probe is attached to an individual. Probe deployment may be utilized in response to assaultive behavior.

ECW Cycle: Occurs when probe deployment delivers energy to an individual.

Objectively Reasonable: This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, and/or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.

Compliant Individual: An individual who is fully cooperative with a Department member.

Passively Resistant Individual: An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.

Actively Resistant Individual: An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.

Assaultive Individual (Bodily Harm): An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.

Aggravated Assaultive Individual (Serious Bodily Harm/Death): An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.

Susceptible Population Groups: Susceptible population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

Less Lethal Force: Use of force that is not intended to cause serious bodily harm/serious physical injuries or death. Members are authorized to use less lethal force in accordance with the law, the contents of [Use of Force Policy], and this policy.

Lethal Force: Use of force intended to inflict serious bodily harm/serious physical injuries or death.

Members are authorized to use lethal force in accordance with the law, the contents of [Use of Force Policy], and this policy.

Authorized Users

Only those Department members who have successfully completed the Department's initial ECW training and subsequent in-service ECW training pursuant to 501 CMR 8.00 *et seq.* are authorized to use an ECW.

Weapon Readiness

Department members issued and authorized to use a ECW shall:

- Ensure the ECW is carried in an approved holster on the side of the body opposite the service handgun;
[NOTE: members not assigned to uniformed duty may use other Department-approved holsters and carry the weapon consistent with Department training.]
- Ensure the ECW is fully armed with the safety on in preparation for immediate use;
- Ensure one spare cartridge is available as backup in case of cartridge failure or the need for reactivation;
- Ensure the spare cartridge is stored, carried, and used in a manner consistent with training;
- Ensure cartridges are replaced following the manufacturer's expiration requirements;
- Ensure only manufacturer-approved battery power sources are used for the ECW;
- Prior to each regular tour of duty shift, confirm that the ECW is functioning properly by performing all tests as defined in training; and
- Not make any modifications or repairs on the ECW unless authorized in writing by the Armorer.

Activation

In accordance with the law, the contents of [Use of Force Policy], and this policy, and when it is objectively reasonable to do so, Department members are authorized to utilize an ECW to arrest and/or detain an individual that has and/or continues to exhibit behavior that leads the officer to believe the individual is actively resisting or assaultive and will resist being arrested or detained.

**ECW
Use of Force
Response
Table**

If the subject is:	Then the response may include:
Actively Resistant	Laser Activation Spark Display Drive Stun
Assaultive – Bodily Harm	Laser Activation Spark Display Drive Stun Probe Deployment
Aggravated Assaultive – Serious Bodily Harm/Death	Laser Activation Spark Display Drive Stun Probe Deployment NOTE: Department members are not required to use a weapon of less-lethal force if use of lethal force is objectively reasonable.

Situations in which the ECW may be activated in accordance with the above table include but are not limited to:

- When an individual uses force or violence against the member or another person(s);
- When an individual exhibits violent, threatening, or potentially violent behavior;
- When an individual actively resists an arrest or detention;
- When an individual flees in order to avoid arrest or detention in circumstances where the member would pursue on foot and physically effect the arrest or detention;
- When an individual expresses intent and has the means to commit suicide or inflict serious bodily harm to themselves or others and ECW activation does not create additional risk;
- To protect Department members or others against an aggressive animal; and
- In the course of Department-authorized training exercises or demonstrations.

Department members shall:

- Give the individual a warning prior to activating the ECW, unless doing so would place any member or person(s) at risk;
- Adhere to the Department’s training regarding warnings, which may include verbal warnings, display of the ECW, laser painting, arcing, spark display, or a combination thereof;
- When feasible, an announcement should be made to other members or personnel on the scene that an ECW is going to be activated;
- Not intentionally activate more than one ECW at a time against an individual; and
- Be aware that an individual subjected to an ECW Cycle may not be able to respond to commands during or immediately following an ECW Cycle exposure.

- ECW cycles should be limited to the least number of exposures and should last no longer than necessary to bring an individual under control. Each 5-second cycle is considered an independent use of force and must be objectively reasonable and be documented in writing.
- Avoid continued ECW use as an attempt to facilitate compliance if circumstances indicate that drive stun deployment is ineffective as a pain-compliance technique.
- Be aware that pain compliance may not be effective against an individual in a mental health crisis state, under the influence of a mind altering substance, or when extremely focused.
- Consider potential risk(s) to third parties or bystanders when activating ECWs.
- Be aware that a subject's heavy clothing may impede the effectiveness of ECWs.
- Aim, to the degree possible, for the following target areas:
 - Lower center mass below the chest
 - Back
 - Legs

NOTE: Consistent with training and to the extent possible, Department members should avoid sensitive areas such as the eyes, face, head, throat, neck, breasts, groin and genitals.

Department members shall **not** use the ECW:

- On individuals who passively resist as defined within this policy;
- On a handcuffed or secured prisoner;
EXCEPTION: ECW, in limited situations, may be used on a handcuffed or secured prisoner if an individual exhibits overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
- In any environment where the member reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, propane;
- When the individual is located in water;
- In any situation where the member has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk; or
- On individuals in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist.

**Susceptible
Population
Group**

Department members shall be aware of general concerns when an ECW is used on an individual of a Susceptible Population Group. Department Members are not prohibited from using an ECW on susceptible population individuals, but use is limited to those exceptional circumstances where the potential benefit of using the ECW (i.e., injury reduction) reasonably outweighs the risks and concerns.

ECW Post-Activation

After a probe deployment, Department Members shall seek medical attention for the individual and ensure that ECW probes are removed by qualified medical personnel or by a Department Member trained to do so.

In any case of Drive Stun deployment or Probe deployment from an ECW on an individual, members shall:

- Transport the individual to an emergency care facility for evaluation and/or treatment if any of the following apply:
 - The individual requests medical attention or there is an obvious need for medical attention;
 - The ECW was deployed in a sensitive area (e.g., eye, face, head, throat, neck, breasts, groin, genitals);
 - The individual is part of a susceptible population group;
 - More than three ECW cycles were deployed on the individual or the ECW was deployed for continuous cycles amounting to 15 seconds or more; or
 - More than one ECW device has been deployed on an individual.
- Use restraint techniques that minimize risk of impairing a subject's respiration.
- Reasonable efforts shall be made to protect the subject's privacy.

Internal Reporting

Department members who activate an ECW shall:

- Adhere to Policy and Procedures
- Report ECW activations to the OIC of jurisdiction;
- Ensure ECW activations are documented with the OIC and in Department Records management System
- Ensure that OIC is provided access to ECW for downloading purposes.

The involved member(s) shall:

- Submit a Use of Force Report within twenty-four (24) hours of the activation, absent an injury, incapacitation, or other exigent circumstances.
- Ensure ECW activations are documented in arrest/incident reports.

Supervisors shall:

- Review every Use of Force Report
- Forward reports to the Chief of Police, through channels with findings and recommendations as to the necessity of further investigation of the incident.
- Ensure ECW is secured and stored for downloading purpose

Chief of Police or Designee Shall:

- Ensure that ECW data is downloaded as per manufacturer instructions;
and
- Ensure that data from ECW download is consistent with reports submitted by involved member(s).

The Lieutenant:

External Reporting

- Collect Department information regarding the use of ECW;
- Ensure the Executive Office of Public Safety and Security (EOPSS) *ECW Use Reporting Form* is completed and submitted as required by EOPSS in accordance with M.G.L. c. 140, § 131J and St. 2004, c. 170, s.2;
- Forward a copy of the EOPSS *ECW Use Reporting Form* to the Deputy Superintendent.

Off-Duty Considerations

Officers are only authorized to possess an ECW when “acting in the discharge of his official duties” in accordance with M.G.L. c. 140, § 131J. Accordingly, off-duty possession is prohibited. Note that even a Class A License to Carry does not authorize a civilian to possess an ECW.

Training

Department members shall be trained in accordance with the lesson plan provided by the manufacturer and the training policy approved by EOPSS, in accordance with M.G.L. c. 140, § 131J.

Department members shall be trained in accordance with the law, the contents of Lancaster Police Use of Force Policy, and this policy.

Edwin H. Burgwinkel Chief of Police
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